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Patent
09/691,334

Appeal Brief in Reply to Final Office Action of November 1, 2005

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By 
(Signature) Dicran Halajian

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

ANINDA DASGUPTA

US 000013

Serial No. 09/691,334

Confirmation No. 5217

Group Art Unit: 2194

Filed: OCTOBER 18, 2000

Examiner: TRUONG, LECHI

Title: SYSTEM AND METHOD FOR DISPLAYING INFORMATION ON THE SCREEN
OF A USER INTERFACE DEVICE UNDER THE CONTROL OF A DIGITAL
AUDIO PLAYBACK DEVICE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
PO Box 1450
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Sir:

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Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Appellant
January 20, 2006

Enclosure: Appeal Brief
Authorization to charge credit card \$500 for Appeal
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Atty. Docket

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Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant herewith respectfully presents its Brief on Appeal
as follows:

01/23/2006 TL0111 00000039 09691334

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REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA. Koninklijke Philips Electronics N.V. is the parent company of the assignee of record Philips Electronics North America Corporation, a Delaware corporation having an office and a place of business at 345 Scarborough Road, Briarcliff Manor, New York, 10510-8001.

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RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no related appeals or interferences.

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STATUS OF CLAIMS

Claims 1-24 are pending in this application. Claims 1-24 are rejected in the Final Office Action mailed November 1, 2005.

Claims 1-24 are the subject of this appeal.

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STATUS OF AMENDMENTS

No Amendment was filed in response to the Final Office Action of November 1, 2005. This Appeal Brief is in response to the Final Office Action mailed November 1, 2005 that rejected Claims 1-24.

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SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, for example as claimed in independent Claims 1, 7, 13 and 20, relates to a digital audio playback device (DAPD) 150, or a processing system such as a personal computer (PC) 105 shown in FIG 1. As recited in independent Claim 1, where an exemplary embodiment is shown in FIG 3 and described on page 19, line 11 to page 20, line 20, the DAPD 150 comprises an external interface, such as displayed on screen 115 capable of being coupled to a connected processing system such as a personal computer (PC) 105, as described on page 13, lines 17-18 for example. The connected processing system, e.g., the PC 105 is capable of executing a user interface application program 250 (FIG 2) that accesses and controls the DAPD 150 via the external interface.

A memory 330 (FIG 3) is coupled to the external interface capable of storing a reverse DAPD application programming interface (API) 360. A processor 305 is coupled to the memory 330 and the external interface and is capable of executing the reverse DAPD API 360. The reverse DAPD API 360 is capable of causing the processor 305 to access and control a user interface associated with the user interface application program and displayed on the monitor screen

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115 (FIG 1) associated with the connected processing system or PC 105.

The present invention as recited in independent Claim 7, where an exemplary embodiment is shown in FIG 2 and described on page 17, line 5 to page 19, line 10, provides a processing system such as the PC 105 comprising an external interface capable of being coupled to DAPD 150 which is capable of playing audio files 350 (FIG 3) stored therein. A memory 230 (FIG 2) of the PC 105 is coupled to the external interface and is capable of storing a user interface application program 250 that accesses and controls the DAPD 150 via the external interface. The memory 230 is also capable of storing a reverse DAPD API 260 (FIG 2).

A processor is coupled to the memory 230 and the external interface and is capable of executing the user interface application program 250 and the reverse DAPD API 260. The reverse DAPD API 260 is capable of communicating with the DAPD 150 and enabling it to access and control a user interface associated with the user interface application program 250 and displayed on the monitor screen 115 (FIG 1) associated with the processing system, e.g., PC 105.

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The present invention as recited in independent Claims 13 and 20, where an exemplary embodiment is shown in FIG 4 and described on page 20, line 21 to page 21, line 18, provides for executing in the connected processing system, e.g., the PC 105, a user interface application program 250 (FIG 2) that accesses and controls the digital audio playback device 105 (FIG 2); and executing a reverse DAPD application programming interface (API) (260 in FIG 2 and 360 in FIG 3); wherein the step of executing the reverse DAPD API enables the DAPD 150 to access and control a user interface associated with the user interface application program 250 (FIG 2) and displayed on a monitor screen 115 (FIG 1) associated with the connected processing system, e.g., PC 105 (FIG 1).

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GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-19 of U.S. Patent Application Serial No. 09/691,334 are unpatentable under 35 U.S.C. 103(a) over the admitted prior art (APA) in view of U.S. 6,292,187 (Gibbs); and

Whether Claims 20-24 are unpatentable under 35 U.S.C. 103(a) over the APA in view of Gibbs and U.S. 5,751,962 (Franshier).

The Appellant respectfully requests the Board to address the patentability of independent Claims 1, 7, 13 and 20 and further Claims 2-6, 8-12, 14-19 and 21-24, as depending thereon, based on the requirements of independent Claims 1, 7, 13 and 20. This position is provided for the specific and stated purpose of simplifying the current issue on appeal. However, the Appellant herein specifically reserves the right to argue and address the patentability of each of the further claims at a later date should the separately patentable subject matter of those claims later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent Claims 1, 7, 13 and 20 is not intended as a waiver of Appellant's right to argue the

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patentability of the further claims and claim elements at that
later time.

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ARGUMENT

Claims 1-19 are said to be unpatentable over the admitted prior art (APA) in view of Gibbs; and

Claims 20-24 are said to be unpatentable over the APA in view of Gibbs and Franshier.

The APA

The APA is directed to a processing system, such as a PC, that controls a digital audio playback device, such as a CD or MP3 player. For example, the MP3 player may be controlled by a user interface on the MP3 player itself or on the PC. The PC or the MP3 player can download from the Internet libraries that contain application programming interfaces (APIs) for the MP3 player. This allows the PC to control the MP3 player.

As correctly noted by the Examiner, the APA does not teach or suggest a processor capable of executing reverse DAPD API, where the reverse DAPD API allows the MP3 player to control the API (associated with the MP3 player) stored in the PC and displayed on a monitor associated with the PC. Gibbs is cited in an attempt to remedy this deficiency in the APA.

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The Gibbs Patent

Gibbs is directed to a method and system for modifying the visual presentation and response to user action of a broadcast application's user interface. As shown in FIG 2, and recited on column 5, lines 35-55, a digital television 60 downloads the broadcast application programs from the Internet 44 and thus "become resident within the digital television 60." (Column 5, lines 38-39) Column 5, lines 42-43 repeats that the downloaded broadcast application programs "become resident within the digital television 60."

The Gibbs system allows the TV 60 to:

control such display features as dynamic fade-in, dynamic fade-out, wiping and highlighting, and other effects regarding window focusing, that are associated with the graphical user interface of the broadcast application, without altering the logic of the broadcast application. (column 5, lines 50-56; emphasis added)

This provides the TV manufacturer "some level of control regarding the look and feel of nay user interfaces that are generated by the [TV] 60." (Column 7, lines 31-33) Modification of the logic of the broadcast application is prevented because:

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the user interface generation is performed by Application Programming Interfaces (APIs) which reside in the host software of the [TV] 60 but are external to the broadcast application. (column 7, lines 35-39; emphasis added)

It is respectfully submitted that Gibbs discusses a single device, namely the TV 60. By contrast, the present invention as recited in independent claims 1, 7, 13 and 20 all require two devices, namely, a digital audio playback device (DAPD) such as an MP3 player, and a connected processing system such as a PC. Further, independent claims 1, 7, 13 and 20 all recite interactions between these two devices or elements thereof. For example, independent claim 1 requires:

a processor [of the DAPD] ...capable of executing said reverse DAPD API, said reverse DAPD API [of the DAPD] capable of causing said processor [of the DAPD] to access and control a user interface associated with said user interface application program and displayed on a monitor screen associated with said connected processing system.

As Gibbs is only concerned with a single device, it logically follows that Gibbs simply cannot teach or suggest any interaction between two devices, let alone the particular interactions recited in independent claims 1, 7, 13 and 20, such as an MP3 player for example controlling a user interface application program (that

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accesses and controls the MP3 player) and is displayed on a monitor screen associated with the PC, for example.

On page 8 of the Final Office Action, it is alleged that:

Gibbs teaches the intelligent device 60 (the playback device) can use the API to access ... the user interface of the broadcast application, which ... [reside] in an external digital source information (col 2, ln 55-67). Therefore, the user interface of broadcast application is resided outside the intelligent device 60. The intelligent device 60 can use the API to access ... user interface of the application, which is located outside the intelligent [device] 60.
(Emphasis added)

It is respectfully submitted that this allegation is misplaced. As noted above, Gibbs clearly teaches that the broadcast application programs "become resident within the digital television 60," as recited on column 5, lines 38-39, and lines 42-43; and column 7, lines 37-38, for example. A careful reading of column 2, lines 55-67 reveals that, although the APIs are external to the broadcast application, both the host software that includes the APIs, and the broadcast application are resident in the Gibbs TV 60.

Further, a careful reading of column 2, lines 55-67 reveals no hint or suggestion that the APIs reside external to the Gibbs TV 60. It is true that the APIs are downloaded from a source external

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to the Gibbs TV 60, such as the Internet, but once downloaded, the APIs reside in the Gibbs TV 60.

In summary, it is respectfully submitted that Gibbs does not even teach or suggest interactions between any two devices or elements thereof, let alone teaching or suggesting a reverse DAPD API, as recited in independent claims 1, 7, 13 and 20. The APA, Gibbs, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in claims 7, 13 and 20 which, amongst other patentable elements, requires:

a processor coupled to said memory and said external interface and capable of executing said reverse DAPD API, said reverse DAPD API capable of causing said processor to access and control a user interface associated with said user interface application program and displayed on a monitor screen associated with said connected processing system. (Emphasis added)

The Franshier Patent

Franshier is cited to allegedly show other features and does not remedy the deficiencies in the APA, Gibbs.

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Accordingly, it is respectfully submitted that independent claims 1, 7, 13 and 20 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6, 8-12, 14-19 and 21-24 should also be allowed at least based on their dependence from independent claims 1, 7, 13 and 20 as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.


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CONCLUSION

Claims 1-24 are patentable over APA, Gibbs and Franshier. Thus the Examiner's rejection of Claims 1-24 should be reversed.

Respectfully submitted,

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APPENDIX A

CLAIMS ON APPEAL

1. (Original) A digital audio playback device (DAPD) comprising:

an external interface capable of being coupled to a connected processing system, said connected processing system capable of executing a user interface application program that accesses and controls said digital audio playback device via said external interface;

a memory coupled to said external interface capable of storing a reverse DAPD application programming interface (API); and

a processor coupled to said memory and said external interface and capable of executing said reverse DAPD API, said reverse DAPD API capable of causing said processor to access and control a user interface associated with said user interface application program and displayed on a monitor screen associated with said connected processing system.

2. (Original) The digital audio playback device as set forth in Claim 1 wherein said reverse DAPD API comprises executable

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instructions capable of communicating with and controlling an operation of said user interface application program.

3. (Previously Presented) The digital audio playback device as set forth in Claim 1 wherein said reverse DAPD API comprises data associated with a manufacturer of said digital audio playback device.

4. (Previously Presented) The digital audio playback device as set forth in Claim 3 wherein said reverse DAPD API is capable of causing said processor to access and control at least a portion of said user interface to display said data in said at least a portion of said user interface displayed on said monitor screen.

5. (Previously Presented) The digital audio playback device as set forth in Claim 4 wherein said data comprises a graphics file comprising a logo image associated with said manufacturer.

6. (Previously Presented) The digital audio playback device as set forth in Claim 4 wherein said data comprises a Universal

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Resource Locator (URL) associated with an Internet web site associated with said manufacturer.

7. (Original) A processing system comprising:

an external interface capable of being coupled to a connected digital audio playback device, said connected digital audio playback device capable of playing audio files stored in said digital audio playback device;

a memory coupled to said external interface capable of storing a user interface application program that accesses and controls said digital audio playback device via said external interface and capable of storing a reverse DAPD application programming interface (API); and

a processor coupled to said memory and said external interface and capable of executing said user interface application program and said reverse DAPD API, said reverse DAPD API capable of communicating with said digital audio playback device and enabling said digital audio playback device to access and control a user interface associated with said user interface application program and displayed on a monitor screen associated with said processing system.

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8.(Original) The processing system as set forth in Claim 7 wherein said reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of said user interface application program.

9.(Previously Presented) The processing system as set forth in Claim 7 wherein said reverse DAPD API comprises data associated with a manufacturer of said digital audio playback device.

10.(Previously Presented) The processing system as set forth in Claim 9 wherein said reverse DAPD API is capable of enabling said digital audio playback device to access and control at least a portion of said user interface to display said data in said at least a portion of said user interface displayed on said monitor screen.

11.(Previously Presented) The processing system as set forth in Claim 10 wherein said data comprises a graphics file comprising a logo image associated with said manufacturer.

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12. (Previously Presented) The processing system as set forth in Claim 10 wherein said data comprises a Universal Resource Locator (URL) associated with an Internet web site associated with said manufacturer.

13. (Original) For use in association with a digital audio playback device (DAPD) and a processing system capable of being connected to the digital audio playback device, a method of displaying information on a monitor screen of the connected processing system, the method comprising the steps of:

executing in the connected processing system a user interface application program that accesses and controls the digital audio playback device; and

executing a reverse DAPD application programming interface (API), wherein the step of executing the reverse DAPD API enables the digital audio playback device to access and control a user interface associated with the user interface application program and displayed on a monitor screen associated with the connected processing system.

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14. (Original) The method as set forth in Claim 13 wherein the reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of the user interface application program.

15. (Previously Presented) The method as set forth in Claim 13 wherein the reverse DAPD API comprises data associated with a manufacturer of the digital audio playback device.

16. (Original) The method as set forth in Claim 15 wherein the step of executing the reverse DAPD API comprises the substep of accessing and controlling at least a portion of the user interface displayed on the monitor screen.

17. (Previously Presented) The method as set forth in Claim 16 wherein the step of executing the reverse DAPD API comprises the substep of displaying the data in the at least a portion of the user interface.

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18. (Previously Presented) The method as set forth in Claim 17 wherein the data comprises a graphics file comprising a logo image associated with the manufacturer.

19. (Previously Presented) The method as set forth in Claim 17 wherein the data comprises a Universal Resource Locator (URL) associated with an Internet web site associated with the manufacturer.

20. (Original) For use in association with a digital audio playback device (DAPD) and a processing system capable of being connected to the digital audio playback device, computer-executable instructions stored on a removable storage medium readable by said processing system, the computer-executable instructions comprising a method of displaying information on a monitor screen of the connected processing system, the method comprising the steps of:

executing in the connected processing system a user interface application program that accesses and controls the digital audio playback device; and

executing a reverse DAPD application programming interface (API), wherein the step of executing the reverse DAPD API enables

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the digital audio playback device to access and control a user interface associated with the user interface application program and displayed on a monitor screen associated with the connected processing system.

21. (Original) The computer-executable instructions stored on a removable storage medium as set forth in Claim 20 wherein the reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of the user interface application program.

22. (Previously Presented) The computer-executable instructions stored on a removable storage medium as set forth in Claim 20 wherein the reverse DAPD API comprises data associated with a manufacturer of the digital audio playback device.

23. (Original) The computer-executable instructions stored on a removable storage medium as set forth in Claim 22 wherein the step of executing the reverse DAPD API comprises the substep of accessing and controlling at least a portion of the user interface displayed on the monitor screen.

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24. (Previously Presented) The computer-executable instructions stored on a removable storage medium as set forth in Claim 23 wherein the step of executing the reverse DAPD API comprises the substep of displaying the data in the at least a portion of the user interface.

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APPENDIX B

Evidence on Appeal

None

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APPENDIX C

Related Proceedings of Appeal

None